

IN THE DRAWING

The attached sheet of drawing includes changes to Fig. 7. This sheet replaces the original sheet including Fig. 7. In particular, blocks P1, P2, and P3 of Fig. 7 have been labeled with the word --Computer--.

Attachments: Replacement Sheet

### REMARKS

This application has been reviewed in light of the Office Action dated May 1, 2007. Claims 1-7, 9-16, and 18-28 remain pending in this application, and have been amended to define more clearly what Applicants regard as their invention. Claims 8 and 17 have been canceled, without prejudice or disclaimer of subject matter. Claims 1 and 10 are in independent form. Favorable reconsideration is requested.

At paragraphs 1 and 2 of the Office Action, the drawings were objected to because Fig. 7 did not include suitable descriptive legends. The attached replacement sheet of drawing includes changes to Fig. 7, in which blocks P1, P2, and P3 of Fig. 7 have been labeled with the word --Computer--. Accordingly, withdrawal of the objection to the drawings is respectfully requested.

At paragraph 3 of the Office Action the specification was objected to for not including section headings. The specification has been amended herein to include section headings. Accordingly, withdrawal of the objection to the specification is respectfully requested.

Claims 25-28 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 25-28 have been amended to recite a computer program and a computer-readable storage medium. Accordingly, withdrawal of the Section 101 rejection is respectfully requested.

Claims 1, 6, 8-10, 15, 17, 18, 20, 21, 23-26, and 28 were rejected under 35 U.S.C. § 103(a) as being obvious from U.S. Patent Application Publication No. US 2004/0008897 to Easwar in view of U.S. Patent No. 5,847,771 to Cloutier; Claims 3, 4, 12,

and 13, as being obvious from Easwar and Cloutier in view of U.S. Patent No. 6,671,454 to Kaneko; Claims 5 and 14, as being obvious from Easwar, Cloutier, and Kaneko, and further in view of U.S. Patent No. 5,675,789 to Ishii; Claims 7 and 16, as being obvious from Easwar and Cloutier, and further in view of U.S. Patent No. 6,987,890 to Joshi; Claim 19, as being obvious from Easwar and Cloutier, and further in view of U.S. Patent No. 6,236,759 to Horie; Claim 22, as being obvious from Easwar and Cloutier, and further in view of U.S. Patent Application Publication No. US 2002/0116533 to Holliman; Claim 27, as being obvious from Easwar and Cloutier, and further in view of U.S. Patent No. 6,721,001 to Berstis. It is noted that the above rejections (the “Part A” rejections) apply to the versions of Claims 3-9 as dependent from Claim 1; Claims 12-19 as dependent from Claim 10; and Claims 20-28 with respect to Claims 1 or 10 as appropriate.

Claims 2 and 11 were rejected under 35 U.S.C. § 103(a) as being obvious from Easwar, Cloutier, and U.S. Patent No. 6,407,680. It is noted that this rejection (the “Part B” rejection) applies to the versions of Claims 3-9 as dependent from Claim 2; Claims 12-19 as dependent from Claim 11; and Claims 20-28 with respect to Claims 2 or 11 as appropriate.

First, cancellation of Claims 8 and 17 renders the rejections of those claims moot.

Applicants submit that independent Claims 1 and 10, together with the remaining claims dependent therefrom, are patentably distinct from the cited prior art for at least the following reasons.

Claim 1 is directed to a method of transcoding digital data coded according to a first coding mode into digital data coded according to a second coding mode. The method includes detecting an inactivity of resources useful for the transcoding; and transcoding the digital data coded according to the first coding mode into the digital data coded according to the second coding mode, when the inactivity is detected. The second coding mode is a coding according to which data is coded by an amplitude curve representing the amplitude of the data along a path amongst the data. See, e.g., the present specification, at page 4, lines 1-4, and page 9, lines 9-16.<sup>1/</sup>

Easwar, as understood by Applicants, relates to compression of DCT compressed images. Fig. 3, cited in the Office Action, shows an environment 300 including an imaging device 310, and Fig. 4B, also cited in the Office Action, is a high-level block diagram illustrating the high level operations or processes involved in transcoding a JPEG image.

Cloutier, as understood by Applicants, relates to a digital entertainment terminal providing multiple digital pictures, in which two MPEG-encoded digital data streams are simultaneously decoded in a digital entertainment terminal to provide Picture-in-Picture (PIP) and Picture-on-Picture (POP) capabilities for a conventional television. Fig. 5, cited in the Office Action, is a block diagram of the digital entertainment terminal, and Fig. 9, cited in the Office Action, is a time sequence diagram illustrating dual-video processing by an MPEG decoder.

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<sup>1/</sup>It is of course to be understood that the references to various portions of the present application are by way of illustration and example only, and that the claims are not limited by the details shown in the portions referred to.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. M.P.E.P. § 2143.

Applicants submit that the Examiner has not established a *prima facie* case of obviousness, for the following reasons.

Cloutier discusses a specific technical teaching according to which a secondary stream to be superimposed as a small image in a Picture-in-Picture (PIP) fashion may be decoded during idle intervals of a processor. However, as is well known by a person having ordinary skill in the art, and as noted in Cloutier itself, PIP processing does not require an optimal quality (see, e.g., column 14, lines 10-12; and column 19, lines 36-38 and lines 47-49).

The technical teachings of Cloutier as to performing an operation during idle intervals of a processor can only relate therefore to a “*secondary*” operation, but do not imply that any operation could be made during idle intervals of a processor, as presumed by the Examiner.

The teachings of Cloutier cannot therefore obviously apply to a transcoding operation, as discussed for instance in Easwar where the transcoding operation is the main object of the description, thus not a secondary operation.

Furthermore, contrary to the Examiner's assertion regarding Claims 8 and 17 (see paragraph 10 on page 6 of the Office Action), the amplitude curve of Claim 1 cannot be equated to a quantization function. It is also noted in this respect that the zigzag path is not applied in wavelet-based coding, contrary to the Examiner's assertion; such zigzag scanning is dedicated to DCT coefficients. There is therefore no teaching or suggestion in Easwar of a coding with "an amplitude curve representing the amplitude of the data along a path amongst the data," as recited in Claim 1. By virtue of this feature of Claim 1, more compact coded files can be obtained (see, e.g., page 4, lines 1-4 of the present specification).

For all the foregoing reasons, Applicants submit that a *prima facie* case of obviousness has not been established.

Nothing has been found in Easwar or Cloutier, whether considered either separately or in any permissible combination (if any) that would teach or suggest transcoding digital data coded according to a first coding mode into digital data coded according to a second coding mode, including (1) detecting an inactivity of resources useful for the transcoding, and (2) transcoding the digital data coded according to the first coding mode into the digital data coded according to the second coding mode, when the inactivity is detected, (3) the second coding mode being a coding according to which data is coded by an amplitude curve representing the amplitude of the data along a path amongst the data, as recited in Claim 1.

Accordingly, Claim 1 is seen to be clearly allowable over Easwar and Cloutier, whether considered either separately or in any permissible combination (if any).

Independent Claim 10 recites features similar to those discussed above with respect to Claim 1 and therefore is also believed to be patentable over Easwar and Cloutier for the reasons discussed above.

A review of the other art of record has failed to reveal anything which, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from Claim 1 or Claim 10 discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Ra DiPerna', written over a horizontal line.

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